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REMARKS

Claims 4-10, 14-28 and 32-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Osama Moselhi et al., "Classification of Defects in Sewer Pipes Using Neural Networks". Journal of Infrastructure system, Sept. 2000, pages 97-104.

As per the appropriate paragraph of 35 U.S.C. 102 that forms the basis for this rejection:

"A person shall be entitled to a patent unless —
(e) the invention was described in — (1) **an application for patent**, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) **a patent** granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;" (emphasis added).

Given that the cited reference is neither an application for patent or a patent granted on an application for patent, the claims of the present application cannot be rejected under 35 U.S.C. 102(e) on the basis of this reference. Therefore, the Applicant respectfully requests that the present rejection be withdrawn.

The Applicant would also like to point out that the reference was published less than one year prior to the earliest priority date of the present application, which claims priority of US Provisional Application 60/252,484, filed November 22, 2000. Therefore, the reference in question is not citable under 35 U.S.C. 102 (b) either.

In view of the foregoing, the Applicants believe the present application to be patentable and early and favorable notice is earnestly solicited.

Respectfully submitted,

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I hereby certify that this paper is being facsimile transmitted to the
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